

APPROVED 11-20-08
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Zoning Board of Appeals meeting held on Thursday, October 16, 2008 at the Mildred A. Wakeley Community & Recreation Center in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Theresa Ranciato-Viele, Vice Chairman
Donald Clark, Secretary
Caren M. Genovese
Cheryl Juniewicz, Alternate, sitting for Joseph Cappucci

MEMBERS ABSENT:

Joseph Cappucci
Robert E. Martin, Alternate
Mary Jane Mulligan, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon called the meeting to order at 7:34 PM. He introduced the members of the Board, the Town staff, the stenographer and clerk. Mr. Hannon explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

Mr. Clark read the call for the first agenda item.

1. #08-49 Application of New England Truck Master, Inc., Applicant, Bernhard Road Realty, LLC, Owner, relative to 16 Bernhard Road, (Map 3, Lot 3), per Section 8.11.4.1, requesting a variance of 33,014 square feet to permit a certificate of location approval for a motor vehicle dealer's license on a lot of 66,986 sq. ft. where 100,000 sq. ft. is required. IL-30 Zoning District.

Attorney Brian Lema presented the application for a variance of 33,014 square feet to permit a certificate of location approval for a motor vehicle dealer's license on a 66,986 square feet lot where 100,000 square feet is required at 16 Bernhard Road. Attorney Lema then described the site. He stated that no significant changes to the site are being proposed. This site will be used for manufacturing, selling, and repairing of tow trucks only. Attorney Lema stated that the hardship is not being in harmony with 8.11.4.1 of the regulations and predates the regulations.

Mr. Hannon stated that currently there are approximately 14 tow trucks on the property. Mr. Chris Lambiase, owner, stated that only Penske Trucks will be stored on this site. Mr. Hannon asked about parking. Attorney Lema stated that there are 12 parking spaces along with 1 handicapped parking space. Mr. Fredricksen explained to the Commission that there is no specific regulation that allows for the selling of tow trucks.

Mr. Hannon asked for public comment.

Public comment:

1. Saleem Kahn, 11 Alexander Drive, spoke in favor of the application.
2. Ed Bruce, 191 Montowese Avenue, spoke in favor of the application.

There being no further public comment, the matter was closed.

Mr. Clark read the call for the next agenda item.

2. #08-50 Application of Cui Bin Dong, Applicant, Luciani Realty, Owner, relative to 117 Washington Avenue, (Map 73, Lot 9), per Section 8.10.3.1, requesting a variance of the 500 feet requirement between a location for a liquor permit and a school, requesting zero feet. IL-30 Zoning District.

Ms. Cui Bin Dong, owner, presented the application for a variance of 500 feet between a location for a liquor permit and a school. The property abuts the Paul Mitchell Academy. The applicant is proposing a service bar only, for seated patrons, of beer and wine.

There being no public comment, the matter was closed.

Mr. Clark read the call for the next agenda item.

3. #08-51 Application of Chris and Jennifer Parker, Owners and Applicants, relative to 37 Kimberly Circle, (Map 96, Lot 10), per Section 2.1.1.9, requesting a variance of 18 feet to permit a rear yard of 7 feet where 25 feet is required. R-20 Zoning District.

Mr. Chris Parker, owner, presented the application for a 950 square feet, one level, rear addition to their ranch style house. The applicant is asking for a variance to permit a rear setback of 7 feet where 25 feet is required. The Commission asked questions and Mr. Parker responded.

Mr. Hannon asked for public comment.

Public comment:

1. John Acabbo, 27 Coventry Circle, spoke in favor of the application.

There being no further public comment, the matter was closed.

DELIBERATION SESSION:

1. #08-49 Application of New England Truck Master, Inc., Applicant, Bernhard Road Realty, LLC, Owner, relative to 16 Bernhard Road.

Mr. Clark moved to approve the application; Mrs. Ranciato-Viele seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele - aye Clark - aye Genovese – aye Juniewicz - aye

In approving the application, the Board stated the following:

1. The only motor vehicles to be stored and/or sold on this property are tow trucks relating to the applicant's business. The only other vehicles to be stored on this property are box trucks owned by the Penske Truck Leasing Company.
2. This business is in conformance with the IL-30 zoning district.

2. #08-50 Application of Cui Bin Dong, Applicant, Luciani Realty, Owner, relative to 117 Washington Avenue.

Mrs. Genovese moved to approve the application; Ms. Juniewicz seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele - aye Clark - aye Genovese – aye Juniewicz - aye

In approving the application, the Board stated the following:

1. The variance is limited to a service bar only.
2. This use blends with the mix of uses in the area that have prior approvals for liquor permits.

3. #08-51 Application of Chris and Jennifer Parker, Owners and Applicants, relative to 37 Kimberly Circle.

Mrs. Ranciato-Viele moved to approve the application; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – aye Ranciato-Viele - aye Clark - aye Genovese – aye Juniewicz - aye

In approving the application, the Board stated the following:

1. The variance is limited to this proposed addition only and is not to run the length of the house
2. The hardship is the configuration of the lot.

CEASE AND DESIST ORDERS: None

CORRESPONDENCE: None

MINUTES:

September 18, 2008

Mrs. Ranciato-Viele moved to approve the minutes of September 18, 2008; Mr. Clark seconded the motion; the Board members voted as follows:

Hannon – aye Ranciato-Viele – aye Clark - aye Juniewicz - aye

OTHER: None

ADJOURN:

There being no further business, Mrs. Ranciato-Viele moved to adjourn; Ms. Juniewicz seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:43 PM.